

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

THE UNITED STATES OF AMERICA	)	CASE NO. 5:18-CR-580
	)	
Plaintiff	)	JUDGE OLIVER
	)	
vs	)	<b><u>MOTION FOR INDEPENDENT</u></b>
	)	
SHAWN MARSHALL	)	<b><u>PSYCHOLOGICAL EXPERT</u></b>
	)	<b><u>FILED UNDER SEAL</u></b>
Defendant	)	

Now comes the Defendant Shawn Marshall by and through counsel and moves the Court for an order providing the Defendant with an independent mental health expert. For cause, Defendant-through counsel- asserts that the question of his mental health will be a significant factor in his trial or sentencing.

Wherefore, pursuant to Ake v. Oklahoma 470 US 68 (1985), Defendant requests the motion be granted.

Respectfully submitted

/s/ Lawrence L. Delino, Jr.  
LAWRENCE L. DELINO, JR.  
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## MEMORANDUM

Mr. Marshall was habeased to this Court from the Ohio Department of Corrections where he is currently serving a 16 year sentence on serious state offenses. Counsel has had two meetings with Mr Marshall who is currently being held at the CCA Facility in Youngstown, Ohio. It is counsel's practice to meet at least once monthly with Federal clients in custody. The first meeting was held at the U.S. Marshall's facility in Akron on November 28, 2018 and the second on December 18, 2018 at CCA. In both of those meetings Mr. Marshall's account of events leading to his present arrest as well the answers to counsel's questions are concise, detailed and somewhat alarming . The issue of Mr. Marshall's mental health is uncontroverted and has been recognized and treated to some extent by the Ohio Department of Corrections for the past fifteen years. In fact, the allegations made in the present Federal indictment occurred while he was an inmate at Lucasville Correctional Facility. After questioning him regarding what was being done for him at Lucasville, counsel is discovered two things. First, his treatment at the Lucasville facility gives rise to his mental health state at the time of the present offense. Secondly, that his present mental health will be a factor in his trial or sentencing. It should be noted that following the time of the allegations contained in the indictment, Mr. Marshall was transferred to the Warren Facility attached to Lebanon Correctional in Ohio, where he reports that the treatment for his mental health received there was effective, progressive and humane. However that treatment has ceased since his removal from that facility and his transfer into federal custody. Defense asks that he be examined by an independent psychological expert to interview and assess Mr.

Marshall's mental health and that due to his indigency the government provide funds for such examination.

WHEREFORE, Mr. Marshall asks that the motion be granted.

Respectfully submitted

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent by electronic mail by this filing on this 24<sup>TH</sup> day of December, 2018.

/s/ Lawrence L. Delino, Jr.  
LAWRENCE L. DELINO, JR.  
ATTORNEY FOR DEFENDANT  
SHAWN MARSHALL